

December 8, 2004

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **L04P0005**
Proposed Ordinance No. **2004-0500**

LAKERIDGE HEIGHTS
Preliminary Plat Application

Location: The southeast corner of the intersection of 80th Avenue South and South 114th Street.

Applicant: Lakeridge Heights, LLC
represented by **Harold Duncanson**
Duncanson Company
145 Southwest 155th Street, #102
Burien, WA 98166
Telephone: (206) 244-4141
Facsimile: (206) 244-4455

King County: Department of Development and Environmental Services
represented by **Kim Claussen** and **Bruce Whittaker**
900 Oakesdale Avenue Southwest
Renton, Washington 98055-1219
Telephone: (206) 296-7167 and 296-7211
Facsimile: (206) 296-7051

SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:

Approve, subject to conditions

Department's Final Recommendation:

Approve, subject to conditions

Examiner's Decision:

Approve, subject to conditions

EXAMINER PROCEEDINGS:

Hearing Opened:

December 7, 2004

Hearing Closed:

December 7, 2004

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner/Developer:	Cliff Running Lakeridge Heights LLC 14035 Des Moines Memorial Drive, Suite A Burien, WA 98168 206-920-8222
Engineer:	Duncanson Company, Inc. 145 SW 155 th Street, Suite 102 Seattle, WA 98166 206-244-4141
STR:	12-23-04
Location:	Southeast corner of the intersection of 80 th Avenue South and South 114 th Street
Zoning:	R-6
Acreage:	2.3 acres
Number of Lots:	15
Density:	Approximately 6.5 units per acre
Lot Size:	2,950 – 9,118 square feet
Proposed Use:	Single-family Detached Dwellings
Sewage Disposal:	Skyway Water & Sewer District
Water Supply:	Skyway Water & Sewer District
Fire District:	King County Fire District No. 20
School District:	Renton School District
Complete Application Date:	May 24, 2004

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the December 7, 2004, public hearing are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the application, subject to conditions.
3. Lakeridge Heights, LLC, has filed a preliminary plat application to subdivide 2.3 acres into 15 lots for single-family residential development. The property is in the Bryn Mawr neighborhood

located north of Renton and south of Seattle and directly west of the southern end of Lake Washington. The property is zoned R-6 and is eligible to receive one bonus lot under the Density Incentive Provisions of KCC 21A.34.040 based on the site's proximity to transit. The property is bounded on the west by 80th Avenue South and on the north by South 114th Street.

4. A creek and ravine system lies directly north of the northeast corner of the plat property across South 114th Street. It is clear from the site topography that this ravine originally included the northern portion of the property. However, this area, comprising generally proposed lots 1 through 6 of the plat, has been filled to depths approaching 14 feet below current ground level. An underground drainage pipe serving the residential development west of the site has also been placed across the property in this location. This drainage pipe will be replaced by a new pipe installed within the 80th Avenue South and South 114th Street rights-of-way, and the site drainage that currently is picked up by this pipe will be diverted to the onsite detention system. Although area resident Spencer Moll expressed regret that the historic onsite portion of the ravine will be completely obliterated by proposed site development, it is clear that this existing ravine remnant no longer serves any hydrologic purpose and the final chapter in its elimination is a foregone conclusion.
5. A surface water adjustment has been granted for this application to route all site flows to an underground detention facility to be located at the northeast corner of the plat. The detention facility will then release its flows into a pipe system running along South 114th Street to the east, which then turns north for release to the Kelsey Creek ravine. No conveyance problems have been identified within this downstream conveyance system, and diversion of flows from the southerly site sub-basin to the proposed detention facility likely will eliminate some nuisance flow problems east of the plat.
6. Transit service currently exists along South 114th Street, with a transit stop presently located east of the 80th Avenue South intersection. The Applicant will construct a transit landing pad which will serve as a bus pullout. Area property owner Jacqueline Smith expressed her concern that this new transit facility not impair access to the Conners Lake View property located north of the plat's northeast corner. This does not appear to be a problem because the plat access road will intersect South 114th Street at a location directly opposite the Conners Lake View access point, which will necessarily require the bus landing to be constructed further west.
7. Eightieth Avenue South is designated a neighborhood collector requiring 56 feet of right-of-way. Fifty feet of right-of-way currently exists, with 30 feet located west of the center line and 20 feet to the east. The plat conditions require the Applicant to provide a further 6 feet on the eastern side of the right-of-way in order to meet the King County Road Standards requirement.

CONCLUSIONS:

1. If approved subject to the conditions imposed below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.

2. The conditions of approval imposed herein, including dedications and easements, will provide improvements that promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

DECISION:

The preliminary plat application for Lakeridge Heights, as revised and received on August 2, 2004, is APPROVED, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19A of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification or shall be shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environment Services. The applicant shall provide updates to the bus schedules if the bonus density provisions are to be actualized prior to engineering plan approval and final recording.

Any/all plat boundary discrepancies shall be resolved to the satisfaction of DDES prior to the submittal of the final plat documents. As used in this condition, "discrepancy" is a boundary hiatus, an overlapping boundary or a physical appurtenance which indicates an encroachment, lines of possession or a conflict of title.

4. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
5. The applicant must obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main, and fire flow to meet the standards of Chapter 17.08 of the King County Code.
6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in K.C.C. 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.

- a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
7. The stormwater detention facility shall be designed at a minimum to the Level 1 Flow Control and Basic Water Quality requirements in the 1998 King County Surface Water Design Manual (KCSWDM).
 8. The existing storm drain culvert running diagonally across the northwest portion of the site shall be relocated to the 80th Ave S/S. 114th St. R/W.
 9. A surface water adjustment (L04V0061) is approved for this subdivision. All conditions of approval for this adjustment shall be met prior to engineering plan approval.
 10. The following road improvements are required to be constructed according to the 1993 King County Road Standards (KCRS):
 - a. 80th Place S. (the internal access street) shall be improved to the urban minor access street standard.
 - b. Frontages: The frontage along 80th Ave S. (east side only) shall be improved to the urban neighborhood collector standard. The frontage along S. 114th Street (south side only) shall be improved to the urban subcollector standard. Sufficient additional right-of-way shall be provided for these improvements according to the KCRS.
 - c. A bus waiting/landing pad shall be provided for the existing bus stop on the S. 114th St. frontage. Plans for this improvement shall be approved by KCDOT Traffic Engineering Section and KC Metro Transit.
 - d. Tracts B and D shall be improved to the joint use driveway standard per Section 3.01 of the KCRS. These driveways shall be owned and maintained by the lot owners served. Notes to this effect shall be included on the final plat and engineering plans.
 - e. Modifications to the above road conditions may be considered according to the variance procedures in Section 1.08 of the KCRS.

11. The applicant's geotechnical engineer shall provide recommendations for the design and construction of the proposed site grading, including fill placement, removal of unsuitable fill, road design, rockeries, retaining walls and drainage facility design. The geotechnical engineer shall evaluate the site for potential groundwater seeps and provide design recommendations to address the impact of these seeps. The geotechnical recommendations shall be included in the T.I.R. and incorporated into the design with the submittal of the engineering plans.
12. Special geotechnical construction inspection of the site grading, including fill placement, removal of unsuitable fill, road construction, installation of rockeries and retaining walls and drainage facility is required to ensure compliance with the geotechnical recommendations from the project geotechnical engineer and from the geotechnical engineering study by Earth Consultants dated November 6, 2003.
Inspection reports shall be submitted to the Land Use Inspector during the construction phases of those facilities. A final construction report shall be submitted verifying compliance with the geotechnical recommendations.
13. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
14. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at the final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
15. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to the recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
16. There shall be no direct vehicular access to or from S. 114th Street or 80th Ave S. from abutting lots. A note to this effect shall appear on the engineering plans and the final plat.
17. The plant islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the final plat.
18. Suitable recreation space shall be provided consistent with the requirements of K.C.C. 21A.14.180 and K.C.C. 21A. 14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).

- a. A detailed recreation space plan (i.e., location, area calculations, dimensions, landscape specs, equipment specs, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of engineering plans.
 - b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
19. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation.
20. Street trees shall be provided as follows (per KCRS 5.03 and K.C.C. 21A.16.050):
- a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the county has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - g. The street tree plan shall also be reviewed by Metro – Transit.
 - h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

ORDERED this 8th day of December, 2004.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 8th day of December, 2004, to the parties and interested persons of record:

Jim Bitondo
8023 S. 114th St.
Seattle WA 98178

Brooke Dickinson
8023 S. 114th St.
Seattle WA 98178
Burien WA 98166

Harold Duncanson
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Bruce Whittaker
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In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) ***on or before December 22, 2004.*** If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed

with the Clerk of the King County Council *on or before December 29, 2004*. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3rd Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE DECEMBER 7, 2004, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L04P0005.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Kim Claussen and Bruce Whittaker, representing the Department; Harold Duncanson representing the Appellant; and Cliff Running, Marshall Jones, Spencer Moll and Jacqueline Smith.

The following Exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L04P0005
- Exhibit No. 2 DDES Preliminary Report to the Hearing Examiner, dated 12/07/04
- Exhibit No. 3 Application for Land Use Permits, received 3/31/04
- Exhibit No. 4 Environmental Checklist, received 3/31/04
- Exhibit No. 5 Determination of Non-significance, issued 10/22/04
- Exhibit No. 6 Affidavit of Posting indicating a 6/15/04 posting date for Notice of Permit Application, received by DDES on 6/15/04
- Exhibit No. 7 Preliminary plat map, received 8/02/04
- Exhibit No. 8 Assessors map – NE 12-23-04, received 3/31/04
- Exhibit No. 9 Conceptual Road, Drainage and Utility Plan, dated 3/31/04
- Exhibit No. 10 Preliminary Technical Information Report by Duncanson Co., Inc., received 3/31/04
- Exhibit No. 11 Revised Preliminary Technical Information Report by Duncanson Co., Inc., received 8/02/04
- Exhibit No. 12 Offsite Analysis Map annotated by Bruce Whittaker
- Exhibit No. 13 Documentation and 10/21/04 response re: King County SWDM adjustment, file no. L04V0061
- Exhibit No. 14 Wetland Study by Duncanson Co., Inc., dated 03/22/04
- Exhibit No. 15 Geotechnical Engineering Study by Earth Consultants, Inc., dated 11/06/03
- Exhibit No. 16 Pedestrian walkway inventory summary by Duncanson Co., Inc., dated 7/22/04